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10 **Attorneys for Plaintiffs**

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 SACRAMENTO DIVISION

14 AT LAW AND IN ADMIRALTY

15 **DENNIS C. PAYNE and SUSAN**
16 **PAYNE,**

17 Plaintiffs,

18 vs.

19 **ABB, INC.** (*sued individually and as*
20 *successor-in-interest to BAILEY*
METER CO.);

21 Defendants.

Case No. 2:20-cv-01198-TLN-AC

22 **JOINT STIPULATION AND**
23 **ORDER TO FILE SECOND**
24 **AMENDED COMPLAINT FOR**
25 **DAMAGES (WRONGFUL DEATH**
26 **AND SURVIVAL ACTION)**

27 The Hon. Troy L. Nunley

Pursuant to Rule 15(a)(2), Plaintiffs DENNIS C. PAYNE and SUSAN PAYNE and Defendants hereby stipulate that the Plaintiffs may file their Second Amended Complaint for Damages (Wrongful Death and Survival Action), attached hereto as **Exhibit A.**

On or about September 12, 2022, injured Plaintiff DENNIS C. PAYNE died. A Notice of Death was filed on September 22, 2022. (Dkt. # 125.) Plaintiffs through this stipulation hereby move the Court to grant their request to file a second amended complaint for wrongful death.

The only differences between the Second Amended Complaint for Damages (Wrongful Death and Survival Action), attached as Exhibit A, and the First Amended Complaint for Damages (Dkt. # 61) are:

- Plaintiff SUSAN PAYNE substituted as the successor-in-interest to Decedent DENNIS C. PAYNE pursuant to Rule 25(a)(1);
- Decedent's heirs and children EMILY PAYNE and SAMUEL PAYNE added as plaintiffs;
- Caption updated to reflect the above;
- Decedent's death added to his injuries;
- References to "Plaintiff" changed to "Decedent" where applicable;
- Removal of one defendant for which a stipulation as to dismissal has already been granted, Defendant VIACOMCBS, INC. (Dkt. # 116);
- Changed CRANE CO. to REDCO CORPORATION, on request of

defendant; and

- Changed GOULDS PUMPS, INCORPORATED to GOULDS PUMPS LLC, on request of defendant.

No additional defendants have been added, nor have any causes of action been added.

Pursuant to Rule 15(a)(3), any responsive pleading shall be due 14 days after filing of the Second Amended Complaint for Damages (Wrongful Death and Survival Action).

DATED: March 14, 2023

FROST LAW FIRM, PC

By: /s/ Andrew Seitz

ANDREW SEITZ

Attorney for Plaintiff

DATED: March 14, 2023

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Nicolas R. Lane

NICOLAS R. LANE

Attorney for Defendant ABB, INC.

DATED: March 14, 2023

K&L GATES LLP

By: /s/ Damon M. Pitt

DAMON M. PITT

Attorney for Defendant CRANE CO.

1 DATED: March 14, 2023

HUGO PARKER, LLP

2
3 By: /s/ Bina Ghanaat
4 BINA GHANAAT
5 Attorney for Defendants FOSTER
6 WHEELER ENERGY
7 CORPORATION and FOSTER
8 WHEELER, LLC

9 DATED: March 14, 2023

WFBM, LLP

10 By: /s/ Derek S. Johnson
11 DEREK S. JOHNSON
12 EMILY E. ANSELMO
13 Attorneys for Defendant GENERAL
14 ELECTRIC COMPANY

15 DATED: March 14, 2023

MORGAN, LEWIS & BOCKIUS LLP

16
17 By: /s/ Amy J. Talarico
18 JOSEPH DUFFY
19 AMY J. TALARICO
20 MARISA R. CHAVES
21 Attorneys for Defendants CARRIER
22 CORPORATION; CLEAVER
23 BROOKS, INC.; GOULDS PUMPS,
24 INC.; JOHNSON CONTROLS, INC.
25 and YORK INTERNATIONAL
26 CORPORATION
27
28

1 DATED: March 14, 2023

TUCKER ELLIS LLP

2
3 By: /s/ Nicole E. Gage
4 NICOLE E. GAGE
5 Attorney for Defendant ROCKWELL
6 AUTOMATION, INC.

7 DATED: March 14, 2023

BURNHAM BROWN

8
9 By: /s/ Rohit A. Sabnis
10 ROHIT A. SABNIS
11 Attorney for Defendant TATE
12 ANDALE, LLC

13 DATED: March 14, 2023

14 WILSON, ELSER, MOSKOWITZ,
15 EDELMAN & DICKER LLP

16 By: /s/ Nicolas R. Lane
17 NICOLAS R. LANE
18 Attorney for Defendant ABB, INC.

19 DATED: March 14, 2023

20 LEWIS BRISBOIS BISGAARD &
21 SMITH LLP

22 By: /s/ Florence A. McClain
23 FLORANCE A. McCLAIN
24 Attorney for Defendant SB DECKING,
25 INC.
26
27
28

1 DATED: March 14, 2023

HAWKINS PARNELL & YOUNG
LLP

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3 By: /s/Ana Reeg
4 ANA REEG
5 Attorney for Defendant ALFA LAVAL
6 INC.
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ORDER

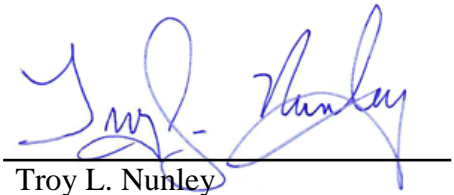
The Court having reviewed the foregoing Stipulation, and good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiffs are granted leave to amend to file their Second Amended Complaint, a copy of which is attached hereto as **Exhibit A**.

IT IS ALSO ORDERED that Defendant's responsive pleading shall be due thirty days after the Second Amended Complaint is filed.

IT IS SO ORDERED.

Dated: March 20, 2023



Troy L. Nunley
United States District Judge